

Serial No.: 10/625,220
Amdt. Dated July 28, 2005
Reply to Office Action of May 25, 2005

Attorney Docket No.: 067182-011

REMARKS

Claims 1, 2, 4-29, and 31, as amended, remain in this application. Claims 3, 30, and 32-42 have been canceled. Claims 43-55 have been added. In view of the foregoing amendments and remarks that follow, Applicant respectfully requests favorable consideration and timely indication of allowance.

Claims 1-30 and 33-42 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The remaining claims in this case that stand rejected have been amended to clear up any ambiguity believed to exist by the Examiner in the original claim set. Thus, any uncertainty by the Examiner as to whether or not these claims recite a useful, concrete, and tangible result has been resolved. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claims 1-29, 30, 31, 41, and 42 have been rejected 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Although Applicant does not necessarily agree with the Examiner, the remaining claims in this case have been amended to better clarify the scope. These claims, as amended, comply with the statutory requirements of section 112, and therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 1-42 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Guenther et al. (US 2003/0139956) in view of Barney et al. (US 6,070,143). Applicant responds to this rejection as follows.

Applicant discloses a novel and unobvious method for profiling an organization, such as a business. The profiling method allows each user to define the processes that he or she is responsible for performing in the organization. In defining a process within the organization, a member may be required to identify the inputs that trigger certain tasks within the process, as well as the outputs produced by the process. The inputs that trigger certain tasks may be the outputs of an upstream process performed by a different member. Similarly, the outputs produced by the member may be used as inputs to a downstream process performed by yet another member. By comparing the selections made by the various members of the organization, the organization can model the inputs and outputs of all of its processes to identify disconnects as well as other opportunities for improvement.

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Guenther, the primary reference relied by the Examiner, is fundamentally different from Applicant's approach. Guenther discloses a methodology for determining job requirements and desired training for each discreet job function in an organization. A database created by consultants maps the job functions of the organization to core tasks. Interviews are then conducted with the various members of the organization, and the results *compared with the database* to determine whether or not each member is performing the right core tasks for his or her job function. In contrast to Applicant's approach, the interview responses are not *compared to each other* to identify disconnects between members performing different job functions.

Referring now to the specific claims, Applicant submits that they recite subject matter which is neither disclosed nor suggested by the references cited by the Patent Office. In particular, independent claims 1, 31, and 49 are directed to a method in which an interface to a database is used to profile an organization. The method includes comparing "*a selection made by one or more of the members to the selection made by other members* to evaluate one or more of the processes." (emphasis added).

The Examiner takes the position that the Guenther teaches a process of profiling an organization through an interview process and Barney teaches the use of an electronic user interface to enter the results of the interview. According to the Examiner, it would have been obvious to one of ordinary skilled in the art to modify the process disclosed in Guenther to include the electronic user interface of Barney to expedite the profiling process. Applicant respectfully disagrees. Assuming, *arguendo*, that the combination of the Guenther and Barney is legally proper, the resultant combination would still not yield the claimed invention because Guenther does not disclose or suggest comparing selections made by one or more members to the selections made by other members. Rather, the interview results of Guenther are compared to a database established by consultants. Accordingly, the combination of Guenther and Barney is insufficient as a matter of law to support an obvious rejection.

Claims 2, 4-29, and 50-55 are dependant from either claim 1 or claim 49, and therefore, include all the limitations of the claim from which they respectively depend. Accordingly, these claims are allowable for the same reasons set forth hereinbefore as well as the additional

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limitations recited therein. These additional limitations need not be addressed at this time because a *prima facie* case has not been established against independent claims 1 and 49.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance and accordingly, reconsideration and allowance are respectfully requested. Should any issues remain which the Examiner could be resolved in a telephone interview, the Examiner is requested to telephone Applicant's undersigned attorney.

Please charge any additional fees which may be required, or credit overpayment to Deposit Account No. 50-1946.

Respectfully submitted,

7-28-05
Date

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